

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

X CORP.,

Plaintiff,

v.

MEDIA MATTERS FOR AMERICA,
et al.,

Defendants.

Civil Action No. 4:23-cv-01175-O

NOTICE TO COURT OF DEFENDANTS' FILING OF APPELLATE MOTION FOR
ADMINISTRATIVE STAY AND MOTION TO STAY PENDING APPEAL

Defendants hereby notify the Court that yesterday, October 2, they filed the attached motion in the United States Court of Appeals for the Fifth Circuit, seeking an administrative stay and stay pending appeal of this Court's September 27, 2024 order compelling disclosure of Defendants' donor-related documents (ECF No. 98). *See Exhibit A.* As noted in the motion, "[g]iven both the impending Monday, October 7 production deadline and the briefing schedule set by [this] [C]ourt, it would be 'impracticable' to wait for th[is] [C]ourt's ruling before moving for a stay pending appeal" in the Court of Appeals. Ex. A at 9–10 (quoting Fed. R. App. P. 8(a)(2)(A)(i)). Today, the Court of Appeals requested that Plaintiff respond to the motion to stay pending appeal by 6:00 p.m. today, October 3. *See Exhibit B.*

This Court retains jurisdiction over Defendants' motion to stay pending appeal in this Court (ECF No. 99), notwithstanding their subsequent filing of a motion to stay before the Court of Appeals. *See, e.g., Farmhand, Inc. v. Anel Eng'g Indus., Inc.*, 693 F.2d 1140, 1145–46 (5th Cir. 1982) (noting that a district court "maintains jurisdiction as to matters not involved in the appeal," which specifically include "*ordering stays* or modifying injunctive relief") (emphasis added); *United States v. Tellez*, No. EP-08-CV-303-KC, 2012 WL 12951152, at *1 (W.D. Tex. Feb. 22,

2012) (citing *In re Miranne*, 852 F.2d 805, 806 (5th Cir. 1988)) (district courts “retain jurisdiction to issue a stay” of the order or judgment being appealed “while an appeal is pending, even where a notice of appeal has been filed prior to the request for a stay”); *see also Nat. Res. Def. Council, Inc. v. Sw. Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001) (“The district court retains jurisdiction during the pendency of an appeal to act to preserve the status quo.”). Defendants will promptly notify the Fifth Circuit of any action this Court may take before the Fifth Circuit rules on their stay motion in that court.

Dated: October 3, 2024

Respectfully submitted,
/s/ Andrew LeGrand

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CERTIFICATE OF SERVICE

On October 3, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Andrew LeGrand
Andrew LeGrand